

# **EMPLOYEE MANUAL**

## **DELTA CHARTER TOWNSHIP**



Effective June 1, 2005  
Amended April 16, 2007  
For Employees Hired Prior to May 1, 2005

Dear Delta Township Employee:

A challenging experience awaits you as an employee of Delta Charter Township. The citizens of Delta Township are proud of their community and expect Township employees to enthusiastically reflect this pride. We trust you will help us provide the kind of service and dedication our tax-paying public can be proud to support. All employees project the image of our Township. Consequently, we emphasize the importance of courteous and friendly treatment of all those who come in contact with us.

We have written this manual to answer some of the questions you may have while employed with Delta Township. Please read it thoroughly and retain it for future reference. Your conduct during your employment should be governed by the guidelines described herein. The policies in this manual are subject to change at the sole discretion of the Township. If you have any questions, please ask your Department Director.

This Manual applies to all employees of Delta Township. If there are any conflicts between the provisions of this Manual and the provisions contained in any collective bargaining agreement, individual employment agreement or federal or state law, the provisions of the agreement or relevant law shall govern. Any situation not covered by this Manual shall be referred to the Township Manager. This Manual does not in any way apply to elected officials of Delta Township nor to any individual appointed or elected to any commission, board, or advisory panel.

This Manual replaces all prior manuals, policies, and resolutions of the Delta Township Board of Trustees which are inconsistent with this manual.

The interpretation, application and administration of the policies and provisions of this manual have been delegated by the Township Board to the Township Manager as the chief human resources officer of the Township. Accordingly, the decisions of the Manager regarding the interpretation and application of these policies is final except as may be modified in the Complaint Resolution Procedure set forth in Chapter 7.

We wish you success in your position and hope that your employment with Delta Township will be a rewarding experience for all concerned.

Sincerely,

Richard A. Watkins  
Township Manager

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## **INTRODUCTION**

The Township has and will continue to retain, whether exercised or not, the sole right to operate and manage its affairs in all respects and retains all its powers or authority pursuant to P.A. 349 of 1947, as amended, commonly referred to as the Charter Township Act.

## CHAPTER 1 GENERAL EMPLOYMENT POLICIES

### A. EQUAL OPPORTUNITY EMPLOYMENT

This Township is an Equal Opportunity Employer and prohibits discrimination and harassment of all kinds. Specifically, the Township will not tolerate harassment or discrimination on the basis of race, color, sex, age, religion, height, weight, national origin, marital or familial status, or disability.

### B. HARASSMENT POLICY

As part of the Township's policy of Equal Opportunity Employment, this Township strictly prohibits abusing the dignity of anyone through ethnic, racist, sexist or other derogatory comments, slurs, statements, jokes or other objectionable conduct in violation of this policy. The Township believes that all employees are entitled to a workplace free of harassment, and expects that all employees will treat each other and our customers with courtesy, dignity and respect.

#### 1. Sexual Harassment

This Township prohibits any employee, male or female, from engaging in actions which sexually harass other employees by:

- (a) making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature, a condition of the employee's employment; or
- (b) making submission to or rejection of such conduct on the basis for employment decisions affecting the employee; or
- (c) stating or implying that a particular employee's advances in employment have resulted from the granting of sexual favors or the establishment or continuance of a sexual relationship; or
- (d) stating or implying that a particular employee's deficiencies in performance are attributable in whole or in part to the sex of that person; or
- (e) commenting on particular characteristics associated with a particular sex; or
- (f) creating an intimidating, hostile or offensive working environment by such conduct.

## 2. Non-Retaliation

The Township trusts that all employees will continue to act responsibly to establish a working environment free of discrimination. The Township encourages employees to raise any questions they may have regarding discrimination with management.

The Township not only prohibits harassment, but also strictly prohibits any retaliation against any employee who, in good faith, has registered a complaint under this procedure. Any employee of the Township who, after investigation, has been determined to have retaliated against an employee for utilizing the complaint procedure will be subject to appropriate discipline up to and including discharge. Any employee who believes he or she has been retaliated against for exercising the rights guaranteed under this policy, should utilize the complaint procedure or notify the Township Manager. A form for filing a complaint is attached at the end of this policy, additional forms may be obtained from any Department Director.

## 3. Complaint Procedure

Any employee who believes that he or she has been subjected to any sexual harassment as defined above or any harassment based upon his/her race, color, sex, age, religion, height, weight, national origin, marital or familial status, or disability, should file a written complaint on the form attached to these policies with the employee's Department Director as soon as possible after the incident(s) occur. If the affected employee refuses to sign a complaint, the Township may not be able to pursue the matter further. If the complaint form is completed and signed, the Township will immediately investigate and resolve the matter. If the alleged act was committed by someone other than the employee's Department Director, and that Director did not participate in and was unaware of that conduct, the employee should register the complaint initially with his or her Department Director. If the employee is dissatisfied with the resolution by the Department Director, or if the Department Director was involved in the conduct, or if, after notifying the Department Director, the harassment continues, the employee should contact the Township Manager immediately. If the Manager is the subject of the complaint, the employee should contact the Township Supervisor.

Upon receipt of the complaint, an impartial investigation of all complaints will be undertaken immediately. Any employee who has been found, after appropriate investigation by the Township, to have harassed or discriminated against another employee will be subject to appropriate discipline up to and including discharge.

## 4. False Complaints

Any employee who files a complaint which is knowingly false when made will be subject to immediate discipline up to and including discharge.

**WARNING: Harassment, including sexual harassment or other forms of prohibited conduct, may lead to personal liability. Any person engaged in such**

**conduct may be compelled by a court to pay money damages to victims of harassment.**

**C. MEDICAL EXAMINATIONS**

Prior to returning to work from a medical leave, the Township may require that the employee must present to his/her supervisor a medical report from the attending physician certifying that the employee is able to return to work and perform the essential job functions of his/her position.

The Township may require an employee to submit at any time to a physical examination to determine the existence and extent of any limitations and the effect such limitations will have on the employee's ability to perform the essential functions of his/her position and, further, to determine the appropriate accommodation.

**D. EMPLOYMENT OF RELATIVES**

Delta Township permits the employment of qualified relatives of employees as long as such employment does not, in the opinion of Delta Township, create actual or perceived conflicts of interest. For purposes of this policy, "relative" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, niece, nephew, corresponding in-law, or "step" relation. The Township will exercise sound business judgment in the placement of related employees in accordance with the following guidelines:

1. Individuals who are related by blood or marriage are permitted to work in the same facility, provided no direct reporting or supervisory/management relationship exists. That is, no employee is permitted to work within the "chain of command" of a relative such that one relative's work responsibilities, salary, discipline or career progress could be influenced by the other relative.
2. No relatives are permitted to work in the same department or any other positions in which the Township Manager believes an inherent conflict of interest may exist.
3. Employees who marry while employed are treated in accordance with these guidelines. That is, if, in the opinion of the Township Manager, a conflict or an apparent conflict arises as the result of the marriage, one of the employees will be transferred at the earliest practical time.

This policy applies to all categories of employment at Delta Township.

An applicant or employee of the Township shall notify the Township in either the application for employment, in the case of an applicant, or in writing to the Township Manager, if presently employed by the Township, of such a relationship.



E. NO SMOKING POLICY

There will be no smoking in any Delta Township building or vehicle.

F. CONFLICT OF INTEREST

No person:

1. Who is an employee, agent, consultant, officer, or elected or appointed official of Delta Township, and
2. Who exercises or has exercised any functions or responsibilities with respect to Delta Township's activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities,

May obtain a personal or financial interest or benefit from the activity, or have any interest in any contract, subcontract, or agreement with respect thereto, or in the proceeds thereunder, either for themselves or for those with whom they have family or business ties.

G. SOCIAL SECURITY NUMBER PRIVACY STATEMENT

1. INTRODUCTION

Delta Township's (the "Township") Social Security Number Privacy Policy provides guidance pertaining to the Township's responsibilities to ensure proper tax withholding from wages and to ensure that the required reporting of employee wages, withholding and employment taxes is accurate. This policy explains why the Township requires your social security number, how it is used, who it is shared with, choices for how it is used, and how the Township protects the use of your social security number. It is the responsibility of the Human Resources Department ("HR Department") to obtain a copy of the employee's social security card. The Director of Human Resources is responsible for monitoring compliance with this policy.

2. PROCEDURES

Federal law requires an employee who has a social security number and a social security card available, to show it to the HR Department. Upon reviewing the social security card or tax identification card, the department representative will make a copy of the document and keep this copy in the employee's records. The Department of Human Resources will provide information to departmental personnel to assist with the recognition of fraudulent cards.

**New employees who are not non-resident aliens:**

- An employee who has a social security number but does not have the social security card available on the first day of employment must show the card to the HR Department within two working days of beginning employment. Failure to provide a copy of the social security card may result in termination of employment.
- An employee who does not have a social security number is required to apply for one on Form SS-5. The HR Department will issue a letter to the employee requesting that the employee provide his or her social security card. A copy of this letter will be kept in the employee's records. Failure by the employee to apply for a social security number may result in termination of employment.
- An employee who is unable to furnish a social security number but has a receipt from the Social Security Administration acknowledging application for a social security number must show the receipt to the HR Department. A copy of the receipt will be retained by the HR Department in the employee's records.
  1. The employee must provide a copy of the social security card to the HR Department within 21 calendar days.
  2. Failure by the employee to provide a copy of the social security card within 30 calendar days of employment may result in termination of employment.

### **Newly arrived non-resident alien employees:**

New non-resident alien employees are also required to present a copy of his or her social security card or tax identification number. However, non-resident aliens are allowed up to a maximum of eight weeks in which to acquire a social security card or tax identification number. Failure by the employee to provide a copy of the social security card or tax identification number within the allotted time period may result in termination of employment.

### **3. PRIVACY**

The Privacy Act of 1974 requires the Township to disclose the following information pertinent to a request for an individual's social security number:

- a. Whether the disclosure is mandatory or voluntary;
- b. What law, if any, requires disclosure; and
- c. What uses will be made of the social security number.

The Township requests an individual's social security number solely for the purpose of complying with federal laws pertaining to residency and for wage and tax withholding purposes.

The Township handles such information carefully and only gives those employees access to the information as is required to carry out the Township's business. Unless otherwise permitted by law, the Township must obtain written authorization to provide an individual's social security number to another.

4. NON-DISCRIMINATION

The Township will not deny any rights, privileges, or benefits to individuals who refuse to provide their social security number unless disclosure is required by law.

## CHAPTER 2

### COMPENSATION POLICIES

#### A. EMPLOYMENT STATUS

For purposes of salary administration and eligibility for overtime payments and employee benefits, Delta Township classifies its employees as follows:

1. Full-time Regular Employees - Employees hired to work the Township's normal, full-time, forty (40) hour work week on a regular basis. Such employees may be "exempt" or "non-exempt" as defined below.
2. Part-time Regular Employees - Employees hired to work fewer than forty (40) hours per week on a regular basis. Such employees may be "exempt" or "non-exempt" as defined below. (Part-time firefighters are considered in this classification.)
3. Temporary - Employees engaged to work full-time or part-time for Delta Township with the understanding that their employment will be terminated upon completion of a specific assignment or at the conclusion of a specified time period. Such employees may be "exempt" or "non-exempt" as defined below. (Employees hired from a temporary employment agency are employees of the respective agency and not of Delta Township.)
4. Non-exempt Employees - Employees who are required to be paid overtime at the rate of one and one-half (1 - ½ times) their regular rate of pay for all hours actually worked beyond forty (40) hours in a work week in accordance with applicable federal wage and hour laws.
5. Exempt Employees - Employees who are not required to be paid overtime in accordance with applicable federal wage and hour laws.

All employees will be informed of their employment classification and status as an exempt or non-exempt employee at the time of their hire. If an employee changes positions during employment with the Township as a result of a promotion, transfer, or otherwise, s/he will be informed by the Department Director of any change in his/her status. Employees should direct any questions regarding their employment classification or exempt/non-exempt status to their Department Director.

#### B. JOB DESCRIPTIONS

All positions shall be classified according to their respective duties and responsibilities as contained within their job descriptions. A complete set of job descriptions for all classifications shall be maintained by the Township Manager which shall include appropriate titles, description of duties, responsibilities, and

minimum job qualifications. These descriptions shall be reviewed periodically by the Township Manager to maintain their accuracy.

C. VACANCIES

At such time as a vacancy occurs and/or the Township Manager has determined that a position should be filled, notice of such employment opportunity may be posted indicating the position, the job description, job classification, etc., so that current Township employees interested in such a position may file an application for consideration. If such a notice is posted, it shall remain posted a minimum of seven (7) consecutive calendar days. However, the Township Manager may, in his/her discretion, elect not to post such notice and may fill the position or vacancy with the person the Manager deems most suitable.

D. TRANSFERS

If an employee has received approval to transfer from one department to another and such transfer requires retraining, the "entry" or "permanent" level of compensation for the new classification shall prevail as determined by the Township Manager.

The Township Manager may, in his/her discretion, transfer employees from one position to another and/or one department to another.

E. PROBATIONARY PERIOD

The probationary period established for all employees is six (6) months. An employee's probationary period may be extended beyond such period up to an additional six (6) months at the sole discretion of the Township Manager.

During the probationary period, an employee may be terminated at any time with or without cause and with or without notice at the sole discretion of the Township and without recourse to the Complaint Resolution Procedure. However, all Department Directors hired after January 1, 1993, are at-will employees which means that their employment may be terminated at any time without notice and without reason or cause.

An employee's first "Evaluation Report" shall be prepared by the employee's supervisor for submission to the Township Manager at the end of the expiration of the employee's probationary period.

All transferred or promoted employees will serve a probationary period of six (6) months in their new job classification.

F. EMPLOYEE EVALUATION REPORTS

To ensure all employees perform their jobs to the best of their ability, it is important that they be recognized for good performance and that they receive

appropriate suggestions for improvements when necessary. Consistent with this goal, an employee's performance will be evaluated by his/her supervisor on an ongoing basis. Full-time employees should receive evaluations of their performance on an annual basis. Part-time employees will be evaluated at the discretion of the employee's Department Director. In addition, all employees promoted or transferred to new positions will be normally evaluated in writing after having been in the new job for six (6) months.

All performance reviews will be based on the employee's overall performance in relation to his/her job responsibilities and will also take into account his/her conduct, demeanor, record of attendance and tardiness, skills developed, responsibility accepted, quantity and quality of work performed, knowledgeability, personality, initiative demonstrated, housekeeping, cooperation, courtesy, compatibility, attitude, judgment demonstrated, safety, leadership (if relevant) and overall job performance.

In addition to the regular performance evaluations described previously, special written performance evaluations may be conducted by an employee's supervisor at any time.

G. EMPLOYEE RECORDS

The Township Manager's Office retains the principal personnel file for all employees. The Township will attempt to keep these records confidential to the extent allowed by law. They will be available for the employee to review at reasonable intervals with the employee's Department Director or the Township Manager (or the Manager's designee). All employees desiring to review their personnel records should make a written request to the Township Manager for an appointment to review the records.

H. CHANGE IN EMPLOYEE STATUS

Employees are advised that it is necessary to inform the Township Manager's Office immediately regarding any change in status, such as:

- ☐ name
- ☐ address
- ☐ telephone number
- ☐ marital status
- ☐ beneficiary for insurance purposes
- ☐ number of dependents
- ☐ number of exemptions -- (for example, birth or death in the family, etc.)
- ☐ person to be contacted in an emergency

## CHAPTER 3

### PAYROLL POLICIES

#### A. RATES OF PAY

The Board of Trustees establishes wage rates for all classifications of employment. These rates are reviewed periodically and may be adjusted by the Board of Trustees at its sole discretion.

It is the Township's normal policy to start an employee at the entry level rate of compensation as classified. However, the Township Manager, upon the recommendation of the Department Director, may start an employee at a higher rate of compensation if deemed appropriate.

At the end of the employee's probationary period, the employee will be reviewed by his/her Department Director. If the Department Director and the Township Manager agree that it is appropriate, the employee will be advanced to the next step.

No wage rate shall be paid any employee beyond the maximum rate as established for his/her classification. Except that if an employee's position is re-classified to a lower rate of pay s/he will retain his/her then current rate of pay and be frozen at that rate until the new rate for the classification reaches the employee's current rate of pay.

#### B. HOURS OF WORK

Normal work days for regular full-time employees shall be eight (8) hours per day, excluding a lunch period. The normal work week for regular full-time employees shall be five (5) work days, totaling forty (40) hours within the period commencing and ending at midnight each Saturday. Nothing in these policies shall be construed as a guarantee of any number of hours of work per day or week or pay per day or per week. The Township reserves the right to change the work week and the length of the work day at any time.

Department Directors will schedule all employees' hours of work.

Overtime will be scheduled as necessary at the sole discretion of the employee's Department Director, and an employee so directed to work overtime will be required to work such overtime.

#### C. SUPPLEMENTAL EMPLOYMENT

An employee may seek permission from the Township Manager, via the Department Director, to obtain supplemental part-time employment. It is understood that if the Township Manager grants permission to obtain

supplemental employment, the employee's first responsibility is to fulfill the obligations s/he has to the Township. The Township Manager may revoke permission to work supplemental employment at any time if it is found that the supplemental employment:

1. Is inconsistent with the interests of Delta Charter Township.
2. Could, by reason of association, have a derogatory effect on Delta Charter Township.
3. Requires the employee to devote so much of his/her time and effort to the secondary job that the employee's work efficiency at Delta Charter Township would be adversely affected.
4. Is likely to result, or has resulted, in the employee's unavailability to work regular hours or such overtime as required.

D. OVERTIME COMPENSATION

All non-exempt, full-time employees who work in excess of eight (8) hours in one (1) work day or forty (40) hours in one (1) work week, will receive compensation for approved overtime worked on the basis of one and one-half (1-½) times the employee's regular hourly rate of pay for all hours so worked. Overtime hours may not be pyramided. Employees who are required to work holidays will be compensated at two times their regular rate of pay for all hours worked plus the holiday pay. The employee will be given credit for all paid time for the purpose of computing overtime compensation. The employee's immediate supervisor will attempt to provide the employee with as much reasonable notice as possible when the need for overtime work arises. Employees should remember, however, that advance notice may not always be possible in order to maintain services for the Township. An employee may work overtime only upon the direction and approval of his/her immediate supervisor. Employees who have completed their assigned shift and have left the premises of the Township and are called back by his/her immediate supervisor to perform unscheduled extra work shall be paid a minimum of two (2) hours at the rate of one and one-half (1-½ times) the regular hourly wage rate.

For purposes of salary administration, eligibility for overtime payments and employee benefits, Delta Township classifies Department Directors as exempt employees. Directors are paid a salary which has been established to compensate them for any and all work they perform for the Township. They will not receive any additional compensation for overtime and shall not be entitled to compensatory time or additional time off. Department Directors are expected to work the hours necessary to fully perform all their job duties and responsibilities without extra compensation. Their work week is not limited to forty (40) hours.

In some cases exempt employees (other than Department Directors) may, in the discretion of the Township, be paid overtime for hours worked in excess of forty



(40) hours in one work week even though the payment of such overtime is not required by law. In such event, the decision to pay such overtime is entirely within the discretion of the Township and may be discontinued at any time.

E. COMPENSATORY TIME

Compensatory time is overtime worked for which time off may be granted in lieu of overtime pay. Employees must have departmental approval prior to accumulating or using compensatory time. Employees may, at their option, elect to receive payment for overtime or to accumulate compensatory time at a rate of one and one-half (1½) hours of compensatory time for each hour of overtime worked. The maximum accumulation of compensatory time by employees shall not exceed two hundred forty (240) hours, which is one hundred sixty (160) hours of overtime worked. On the payday closest to December 15 of each year, the employee will be compensated for all unused compensatory time.

F. PAYROLL

Delta Township has adopted a bi-weekly pay period. The normal payday has been established as the Friday following the end of the pay period.

If an employee desires additional payroll deductions from his/her pay check in order to allow for participation in a labor union, savings plan, individual contribution to the Township's pension program, etc., such request shall be made in writing to the Township Manager's Office.

In the event a holiday interferes with distribution of pay checks on the scheduled date, every effort will be made to effect distribution on the day prior to the holiday.

G. TIME SHEETS

Any changes necessary to be made on the employee's time card or time sheet shall be corrected only by the employee's supervisor. The employee is personally responsible for accurately reporting payroll hours worked.

Department Directors are responsible for maintaining the integrity and accuracy of employee time reporting within their respective operations.

## **CHAPTER 4**

### **EMPLOYEE BENEFITS**

#### **INTRODUCTION**

Delta Charter Township has established a variety of employee benefit programs designated to assist its employees in meeting the financial burdens that can result from illness, disability, and death and to help them plan for retirement, deal with job related or personal problems, and enhance their job related skills, morale, and efficiency.

This handbook is meant to highlight some features of Delta Charter Township's benefit programs. The Township's group health insurance, life insurance and retirement programs are described more fully in Summary Plan Description booklets, which will be provided to employees upon request. Complete descriptions of Delta Charter Township's group health insurance programs are also contained in the Township's master insurance contracts with its insurance carriers, which are maintained in the Township Manager's Office. Complete descriptions of employee retirement related programs are also maintained in the Township Manager's Office and are available for employee review upon request. The information in this handbook is intended to be a general guideline to Township employees. It should be understood that the Plan document or documents themselves are available for examination at the Township Manager's Office and are the only documents which contain the accurate and complete coverage information and conditions.

Delta Charter Township reserves the right to amend, terminate or modify any of these programs regarding such employee benefits at its sole discretion. This reserved right may be exercised in the absence of financial necessity.

Part-time and temporary employees are ineligible for fringe benefits unless specifically designated in this chapter.

For more information regarding any of the Township's benefit programs, please contact the Township Manager's Office.

## I - TIME OFF BENEFITS

### A. VACATION

Delta Charter Township recognizes the importance of vacation time and providing employees the opportunity for rest, recreation, and personal activities. Delta Charter Township grants its full-time regular employees annual paid vacation in accordance with the following schedule:

1 - 60 months of service as of an employee's anniversary date  
- 6-2/3 hours per month (80 hours per year).

61 - 180 months of service as of an employee's anniversary date - 10 hours per month (120 hours per year).

181 or more months of service as of an employee's anniversary date - 13-1/3 hours per month (160 hours per year).

Only full-time regular employees who have completed six (6) months of continuous employment for the Township are eligible for vacation. Vacation credit hours will not be paid in lieu of vacation time except upon the employee's retirement at which time all accumulated vacation hours will be paid at the employee's straight time regular hourly rate. Vacation leave may be accumulated from one year to the next, but shall not exceed the time earned during two (2) years of service as follows:

1 - 60 months...maximum accumulated vacation time allowed  
160 hours.

61 - 180 months...maximum accumulated vacation time  
allowed 240 hours.

181 or more months...maximum accumulated vacation time  
allowed 320 hours.

Vacation schedules shall be prepared by the Department Director for each department and it shall be his/her responsibility not to allow conflicts of vacations for employees within that department. All Department Directors have sole discretion to determine appropriate vacation scheduling to assure continued uninterrupted of service to the public. Vacations may be taken as weekly periods, individual days or in one hour increments as long as the periods chosen meet with departmental approval. All employees should submit a vacation request to their Department Director at least two (2) weeks prior to the date they wish their vacation to begin.

Any employee who is terminated for cause or who fails to give two (2) weeks notice of intent to terminate will forfeit any accrued and unused vacation.B.

B. HOLIDAYS

All full-time regular employees shall receive the following days as paid holidays:

New Year's Day	Labor Day
Martin Luther King's Birthday	Thanksgiving Day
Good Friday	Day After Thanksgiving
Memorial Day	Christmas Day
Independence Day	Christmas Day extended
Independence Day extended	

The intent of each "extended" holiday is to provide a four-day weekend, including Saturday and Sunday. When a holiday falls on a Saturday, the preceding Friday shall be considered the paid holiday. When a holiday falls on a Sunday, the following Monday shall be considered the paid holiday. The Board of Trustees in its sole discretion may schedule extended holidays as necessary to assure continued uninterrupted service to the public.

In order to be eligible to receive holiday pay, an employee is required to have worked the full regularly scheduled work day preceding and the full regularly scheduled work day following the holiday. In accordance with Delta Township's policy, an approved vacation day or any other excused and paid day off is considered a day worked for purposes of holiday pay eligibility.

C. PERSONAL DAYS

After one (1) year of continuous employment, full-time regular employees shall be eligible for one (1) paid personal leave day annually.

After three (3) years of continuous employment, full-time regular employees shall be eligible for two (2) paid personal leave days annually.

After five (5) years of continuous employment, full-time regular employees shall be eligible for three (3) paid personal leave days annually.

All personal leave days must be used during the calendar year in which they are earned and there shall be no carry over of personal days from year to year. There shall be no payment for unused personal days at the end of any calendar year or in the event of termination of employment, whether voluntary or involuntary.

The scheduling of personal leave days is at the discretion of the employee's Department Director and may be taken in half (½) day increments.

D. BEREAVEMENT LEAVE

If you are a full-time regular employee and a death occurs in your family, you will be compensated for up to three (3) days off from your regular work schedule in accordance with the following guidelines:

You will be granted up to three (3) days off work, with pay, in the event of the death of your current spouse, child, father, mother, sister, brother, grandparent, step-mother, step-father, grandchild, current spouse's father or mother, step-child, or any dependent who resides permanently within the employee's household.

One (1) day of absence, with pay, will be granted a permanent full-time employee immediately following the death of a current spouse's grandparent, brother or sister, step-brother, or step-sister.

All requests for bereavement leave should be made to the employee's immediate supervisor. It shall be the employee's responsibility to provide proof of death and proof of the relationship of the deceased upon returning to work, if so requested.

E. MILITARY LEAVE

Leaves of absence without pay for military or reserve duty are granted to full-time regular and part-time regular employees. If you are called to active military duty or to Reserve or National Guard training, or if you volunteer for the same, you should submit copies of your military orders to your supervisor as soon as practical. You will be granted a military leave of absence without pay for the period of military service, in accordance with applicable federal and state laws. If you are a Reservist or a member of the National Guard, you are granted time off without pay for required military training. Your eligibility for reinstatement after your military duty or training is completed is determined in accordance with applicable federal and state laws.

F. JURY DUTY AND SUBPOENAS

If you are a full-time regular employee who is summoned to jury duty, Delta Township will supplement the difference between your regular salary and the allowance you receive from the Court for such jury duty service for up to a maximum of thirty (30) *calendar* days per year. You must turn over documentation to Delta Township of all monies received from the Court for such jury service in order to be eligible for such supplemental pay. If you are not a full-time regular employee, you are given time off without pay while serving jury duty. All employees are allowed unpaid time off if subpoenaed to appear in court as a witness. To qualify for jury duty or witness leave, you must submit to

your immediate supervisor a copy of the jury summons or witness subpoena to serve as soon as it is received. In addition, proof of service must be submitted to your immediate supervisor when your period of jury or witness duty is completed, if so requested.

All employees who are subpoenaed to appear in court on behalf of Delta Township will be granted the time necessary to comply with such subpoena. Such employee will be paid their regular wage and any fee paid to the employee pursuant to such service will be turned over to the Township.

G. SICK LEAVE

Permanent, full-time employees accumulate sick leave pay at the rate of eight (8) hours per month of continued employment. Each employee may accumulate up to a maximum of four hundred eighty (480) hours of sick leave benefits. An employee may exercise a one (1) time option to raise his/her maximum accumulated sick leave credits to a maximum of five hundred seventy six (576) hours. When an employee elects to exercise such option, s/he must do so by notifying the Township Manager's Office in writing of such intention.

Accumulated sick leave may be used for employee's illness or injury or to care for the employee's seriously ill child or spouse.

Time lost because of illness or injury will not be paid an employee under this provision unless sick leave benefits are available. The employee must inform his/her Department Director if unable to report for work regardless of whether or not sick pay benefits are available to the employee. An employee is required to so notify his/her Department Director at the earliest possible opportunity. Any employee who does not give the required notice shall not be eligible for sick leave benefits. If requested by the employee's Department Director the employee must provide a statement signed by a licensed medical doctor indicating the nature of the disability or illness, the prognosis and, if appropriate, the probable date of return. Upon return to work, if so requested by the employee's Department Director, the employee must present a doctor's statement certifying that s/he is able to resume normal duties and responsibilities. Such statement must be presented to the employee's Department Director and transmitted to the Township Manager's Office.

Whenever an employee's accumulated sick leave credits reach the maximum of four hundred eighty (480) hours or five hundred seventy-six (576) hours, s/he will receive payment for ninety-six (96) hours of his/her accumulated sick leave (one (1) year's accumulation of sick leave). The employee will receive payment for the total remaining accumulated sick leave bank upon his/her retirement at his/her regular straight time hourly rate in effect as of the date of retirement. The Township reserves the right to require any employee utilizing sick leave benefits to undergo a physical examination by the Township's designated physician at the Township's expense.

Employees will not accumulate sick leave credits during any leave of absence for any reason.

#### H. LEAVE OF ABSENCE.

An unpaid, personal leave of absence may be granted for a period of up to thirty (30) days for justifiable reasons at the sole discretion of Delta Township, provided the leave does not seriously disrupt the Township's operations. An unpaid personal leave of absence may be requested by full-time regular employees who have completed three (3) months of continuous service. An employee must make such requests for personal leave of absence in writing to the Township Manager, via the Department Director, at least two (2) weeks prior to the time such leave is to commence. If the personal leave is necessitated by an emergency, the employee or a member of his/her immediate family must notify the employee's supervisor as soon as practicable; this should be followed up with a written explanation of the nature of the leave and the expected length of the absence. In such emergency situations, the written explanation must normally be submitted within three (3) days of the beginning of the leave. Personal leaves of absence are not to be granted until all accrued unused vacation and personal days have been exhausted. However, Delta Township endeavors to place the employee returning from personal leave in his/her former position or a position comparable in status and pay subject to budgetary restrictions, the need to fill the vacancy, and the ability of the Township to find a qualified temporary replacement. During his/her leave of absence, an employee may arrange for continuation of health, life, dental, and long-term disability insurance at the employee's expense. Personal leaves of absence, if granted, shall not count as time earned for seniority and/or longevity payment. An employee on a personal leave of absence does not accrue any sick time credits, vacation credits, and/or any other benefits. The Township Manager may, at his/her sole discretion, extend such leave of absence beyond a thirty (30) day period if circumstances so warrant.

#### I. FAMILY AND MEDICAL LEAVE

Federal law provides that most employers, including the Township, must provide leaves of absence for a number of specified reasons which are set forth below. The rules regarding leaves of absence under the Family Medical and Leave Act are as follows:

##### 1. Requests for Leave

Requests for all leaves of absence must be made in writing at least one (1) week in advance. All requests must be sent to and approved by the Township Manager. Requests must specify the reason for the leave, the date such leave will begin, if known, and the expected duration of the leave, provided such period shall not exceed twelve (12) work weeks. There is a form that will be available for anyone requesting a leave of absence.

## 2. Types of Leave

Eligible employees are entitled to a maximum total of twelve (12) weeks of unpaid leave during a twelve (12) month period for one (1) or more of the following:

- A. The birth of a son or daughter and in order to care for the child (the right expires twelve (12) months after the birth).
- B. The placement for adoption or foster care of a son or daughter (the right expires twelve (12) months after the placement).
- C. To care for a spouse, son, daughter, or parent of the employee if the relative has a serious health condition.
- D. The serious health condition of the employee.

If the leave is for the serious health condition of a family member, the following certification may be required:

- A. The date on which the health condition began.
- B. The probable duration of the condition.
- C. The appropriate medical facts.
- D. A statement that the employee is needed to care for the patient.
- E. An estimate of the amount of time s/he is needed to care for the patient.
- F. In a request for intermittent or reduced schedule leave, a statement that the schedule is necessary to care for the patient or will assist in the recovery, and the expected duration.

If the leave is for a serious health condition of the employee, the following certification may be required:

- A. The date on which the health condition began.
- B. The probable duration of the condition.
- C. The appropriate medical facts.
- D. A statement that the employee is unable to perform the functions of his/her position.



- E. In a request for intermittent or reduced schedule leave, a statement of the medical necessity for the schedule and expected duration.

The Township may require, in the case of a serious health condition, a second opinion by a provider designated or approved by the Township. This examination shall be at the Township's expense.

### 3. Compensation and Benefits

An employee will not receive compensation while on leave unless previously earned sick or vacation benefits are used; however, an employee will be required to use sick and vacation leave while on Family or Medical leave.

If an employee is on the health insurance plan, the Employer will continue to pay the same portion of the benefits during the leave as it paid prior to the leave.

### 4. Restoration to Position

An employee who returns to work at the end of the leave of absence will be returned to the position held at the beginning of the leave or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Such a person will not be credited with "service time" for the period of the leave except for that portion of such time during which the employee utilized accumulated paid time as authorized under the policy.

An employee who leaves a full-time position may not return to that position on a part-time basis unless in the discretion of the Township Manager the position can be performed by one or more part-time employees.

### 5. Extension of Leave

Requests for extension of a leave of absence will be considered if they are received by the Township Manager in writing before the expiration of an approved leave, are supported by proof of continued need, and the requested extension does not cause the total period of absence to exceed twelve (12) weeks. Any employee who fails to report to work at the end of an approved leave will be deemed to have voluntarily resigned.

### 6. Misuse of Leave

Use of leave for reasons other than those for which it is taken is prohibited. Abuse of leave time will result in discipline up to and including discharge.

## II - INSURED BENEFITS

### A. HEALTH BENEFITS

Delta Township currently provides all full-time regular employees, their current spouse, and/or dependent children group health insurance. The cost to provide this benefit to you and any eligible dependents is currently paid completely by Delta Township. Hospitalization insurance coverage is discontinued on the date of an employee's termination of employment from Delta Township. (All employees should consult the Township Manager's Office regarding continued hospitalization benefits after termination of employment.) For details regarding hospitalization coverage, employees are to consult the Township Manager's Office and, if requested, will be provided the appropriate plan documents and health care agreements for their review. Delta Township reserves the right, at any time, at its sole discretion, to change health care carriers and/or benefit levels and/or require Township employees to financially contribute to the cost of providing such hospitalization insurance.

### B. DISABILITY INSURANCE

The Township provides a disability insurance benefit to its employees commencing on the ninety-first (91st) day after injury or illness. During the first ninety (90) days of such injury or illness, the employee will be eligible to use sick leave credits if s/he has them available. All requests regarding the Township's disability insurance benefit should be directed to the Township Manager's Office.

### C. DENTAL INSURANCE

The Township currently provides and pays the premium for a dental insurance policy for each regular full-time employee, the employee's current spouse, and/or dependent children. Questions regarding the Township's dental insurance policy should be directed to the Township Manager's Office.

### D. LIFE INSURANCE

The Township currently provides and pays the premium for a group term insurance policy, including a double indemnity feature for accidental death at one and one-half (1-½) times base salary, rounded up to the nearest 1,000, maximum of \$250,000.

### E. WORKER'S COMPENSATION

To provide for payment of medical expenses and salary continuation in the event of a work-related accident or illness, employees are covered by worker's compensation insurance in accordance with the Workers' Disability Compensation Act. The amount of benefits payable and the duration of payments depends upon the nature of the injury/illness. The Township will pay

the employee the normal regular straight time hourly rate for such time lost, less the amount received from worker's compensation, for a period of up to ninety (90) days.

If an employee is injured or becomes ill on the job, s/he must immediately report such injury or illness to his/her immediate supervisor and/or Department Director. This ensures that the Township can assist the employee in obtaining appropriate medical treatment. The employee's failure to follow this procedure may result in the appropriate worker's compensation report not being filed in accordance with the law, which may consequently jeopardize the employee's right to benefits in connection with the injury or illness.

Any questions regarding worker's compensation insurance should be directed to the Township Manager's Office.

F. RETURN TO WORK FROM DISABILITY

State and federal handicapper discrimination laws protect qualified employees with disabilities from discrimination on the basis of disability. The law also requires that covered employers provide employees with disabilities with reasonable accommodations that do not impose an undue hardship. If, upon return from a leave of absence, the employee believes that accommodations may be necessary to permit him/her to perform his/her job, s/he must advise his/her Department Director, or the Township Manager as soon as possible.

G. MODIFICATIONS

Except for those required by law, the Township reserves the right to modify the benefits described in this section at any time in the sole discretion of the Township.

III - MISCELLANEOUS BENEFITS

A. LONGEVITY

Full-time regular employees who have been employed by the Township for a period of five (5) years or more on a continuous full-time basis shall be eligible to receive a longevity payment on the payday closest to December 15 of each year based upon the following schedule:

+60 - 120 months - 1½ % of an employee's annual base wage  
121 - 180 months - 2½ % of an employee's annual base wage  
181 or more months - 3½ % of an employee's annual base wage

To be eligible for longevity benefits, an employee's fifth anniversary date must fall on or before December 15 of the year longevity is to be paid. Basis of longevity payments is to be predicated upon that annual salary or wage in effect as of November 30 preceding the date on which payment is to be made.

B. PENSION AND/OR RETIREMENT BENEFITS

Delta Township provides a retirement plan for all full-time employees. Questions regarding the specific provisions of such plan should be directed to the Township Manager's Office.

C. COFFEE

The Township provides coffee to all employees stationed at various locations throughout Township buildings.

D. EMPLOYEE RECOGNITION PROGRAM

The Township Board of Trustees has instituted an employee recognition program to be implemented by the Township Manager from time to time to recognize extraordinary service and performance by Township employees.

E. BENEFITS AT RETIREMENT

The Township will make the then present health insurance available to employees (and their spouses) who retire from the Township or to the surviving spouse of an employee who dies after having begun to receive the retirement coverage outlined hereinafter. In order to be determined a surviving spouse under this provision; the spouse must have been married to the employee both at the time of retirement and the time of death. The Township will provide health insurance for the retiree and spouse (or surviving spouse) based upon the following premium-sharing table. The Township's portion will be for the "complimentary" rate only. The retiree or surviving spouse will be responsible for the balance of the premium. To be eligible for retirement benefits, the employee must reach the age of 55 at the time of retirement."

**PREMIUM SHARING**

Years of Service	Employer Share	Employee Share	Years of Service	Employer Share	Employee Share
10	25%	75%	18	65%	35%
11	30%	70%	19	70%	30%
12	35%	65%	20	75%	25%
13	40%	60%	21	80%	20%
14	45%	55%	22	85%	15%
15	50%	50%	23	90%	10%
16	55%	45%	24	95%	5%
17	60%	40%	25	100%	0%

These shared participation rates apply only to coverage for health insurance which is supplemental to those benefits which are available through Social Security, Medicare and/or Medicaid. No basic or any other health or hospitalization costs or health or hospitalization insurance costs will be paid directly by or reimbursed by the Township.

F. TERMINATION BENEFITS

If the employee gives the required two weeks' notice of his/her intent to terminate his/her employment relationship, s/he will receive payment in full for all sick time and vacation time credits as the employee has available. Such payment will be at the employee's straight time hourly rate in effect at the time of termination. Likewise, all compensatory time accrued by the employee will be paid at the appropriate rate in effect at the time of termination. The employee forfeits all rights to sick time and vacation leave payments if the requisite two weeks' notice of intent to terminate is not given or if terminated for cause. The employee will not be compensated for any unused personal leave days at termination, whether voluntary or involuntary.

Health insurance will be discontinued as of the date of termination. The employee may, pursuant to any applicable federal law, arrange to extend such coverage beyond termination at his/her expense.

## **CHAPTER 5**

### **TERMINATION OF EMPLOYMENT**

#### **A. NOTICE OF TERMINATION**

Employees desiring to terminate their employment relationship with Delta Township must notify the Township at least two weeks in advance of their intended termination date. Such notice shall be given in writing to the employee's Department Director.

Employees who plan to retire are urged to provide Delta Township with a minimum of two (2) months' written notice. This will allow ample time for the processing of appropriate pension forms to ensure that any retirement benefits to which an employee may be entitled commence in a timely manner.

Exit interviews with the employee's Department Director are normally scheduled for outgoing employees after the Department Director has received notice of resignation or intent to retire and for employees whose termination is initiated by the Township. The purpose of these interviews is to review eligibility for benefit continuation and conversion, to ensure that all necessary forms are completed, to collect all property belonging to Delta Township that may be in the employee's possession, and to provide employees with an opportunity to discuss their job related experiences.

#### **B. INVOLUNTARY TERMINATION**

Regular employees of the Township may be terminated for unsatisfactory performance or conduct which is unacceptable to the Township. Involuntary terminations are subject to the grievance procedure contained in Chapter 7.

## CHAPTER 6

### REGULATIONS GOVERNING EMPLOYMENT

#### A. PERSONAL APPEARANCE AND DEMEANOR

Discretion in style of dress and behavior is essential to efficient operation of Delta Township. Employees are, therefore, required to dress in appropriate business attire and to behave in a professional, business-like manner. Please use good judgment in your choice of work clothes and remember to conduct yourself at all times in a way that best represents you and the Township. Where uniforms are supplied by the Township, they are provided for reasons of identification, cleanliness, or safety and not to be used for street wear. Failure to adhere to such shall result in disciplinary action. Each employee is expected to render friendly, courteous, and honest service to all. Employees failing to adhere to proper Township standards with respect to appearance and demeanor are subject to disciplinary action.

#### B. GUIDELINES FOR APPROPRIATE CONDUCT

Employees are expected to accept certain responsibilities, adhere to acceptable business principles and manners of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others but also demands that both in your business and your personal life, you refrain from any behavior that might be harmful to you, your co-workers and/or Delta Township, or that might be viewed unfavorably by the public at large.

Whether you are on duty or off, your conduct reflects on Delta Township. You are, consequently, encouraged to observe the highest standards of professionalism at all times.

Types of behavior and conduct that Delta Township considers inappropriate include, but are not limited to, the following:

1. Falsifying employment or any other Delta Township records.
2. Violating Delta Township's non-discrimination and/or sexual harassment policy.
3. Soliciting gratuities from customers or clients. Employees are allowed to accept gifts if the fair market value of such is less than \$50.00. Any employee who receives any gift or gratuity or service of more than \$50.00 in fair market value must immediately return such gift or gratuity or refuse such service offered.
4. Unexcused absenteeism or tardiness.

5. Unauthorized use of Delta Township's supplies, vehicles, tools or equipment for any purpose.
6. Reporting to work intoxicated or under the influence of alcohol or non-prescription drugs. Illegal manufacture, possession, use, sale, distribution or transportation of drugs.
7. Possessing or using alcoholic beverages or illegal drugs on Delta Township property or possessing or using alcoholic beverages or illegal drugs while engaging in Delta Township business off Delta Township premises.
8. Fighting, threats of violence or using obscene, abusive, or threatening language or gestures.
9. Theft of property from co-workers, customers, or Delta Township.
10. Unauthorized possession of firearms or explosives on Delta Township premises or while on Delta Township business.
11. Disregarding or violating Employer's safety or security regulations or other rules and regulations of the Employer.
12. Insubordination.
13. Failing to maintain the confidentiality of Delta Township, customer, or client information.
14. Abuse or fraudulent use of sick leave credit hours or any other employee benefits.
15. Conviction of any felony.
16. Carelessness or negligence resulting in injury to persons or damage to Delta Township property.
17. Engaging in horseplay of any kind or unnecessarily contributing to unsanitary, unsafe or poor housekeeping conditions.
18. Misuse, abuse, or deliberate destruction of Township property, tools, equipment, or that of another employee, or failure to report any equipment requiring maintenance, repair or safety attention, or failure to maintain such machines, tools, equipment, or vehicles.
19. Failure to report to work and/or advise the employee's supervisor of an inability to work.



20. Abuse or falsification of overtime.
21. Premature departure, and/or extended lunch periods.
22. Failure to use all safety equipment and practices, hard hats, safety goggles, seat belts, etc., as are determined by Department Directors or by law.
23. Inappropriate use of radios and radio equipment or the use of unprofessional or offensive language over the radio.
24. Retaliation against employees for use of the grievance procedure or attempts to enforce employee rights.
25. Allowing unauthorized use of Township vehicles for personal benefit.

Should your performance, work habits, overall attitude, conduct, or demeanor become unsatisfactory in the judgment of Delta Township, you will be subject to disciplinary action up to and including discharge.

C. VEHICLE USAGE

All employees using Township vehicles are charged with full responsibility for maintenance of such vehicles at Township expense. The Township specifically prohibits carrying any passenger or materials in Township vehicles unless such are directly related to the carrying out of Township business except with the express permission of the Township Manager. All employees are expected to adhere to all local and state traffic laws and regulations. The use of seat belts during operation of Township vehicles is mandatory. All vehicles must be locked when not in use.

An employee must immediately report any driving violation received while using a Township vehicle to his/her immediate supervisor. Additionally, all accidents involving Township vehicles must be immediately reported to the proper policing authority and to the Township Manager. No employee shall use any Township vehicle unless s/he possesses and carries a valid operator's license.

D. RADIO USAGE

Certain Township owned vehicles contain two-way radio equipment. Such equipment shall only be utilized by employees who have authorization for such use from their immediate supervisors.

E. ATTENDANCE AND ABSENTEEISM

Delta Township expects all employees to assume diligent responsibility for their attendance and promptness. Should an employee be unable to report to work for any reason, s/he must notify his/her immediate supervisor or Department

Director as soon as s/he becomes aware of the reason that s/he cannot report to work. Such notice must be received by the employee's supervisor before the employee's normal starting time. Failure to properly notify the employee's immediate supervisor results in an unexcused absence.

An employee's Department Director, at his/her sole discretion, may require an employee who is absent from work due to injury or illness to submit a statement from his/her physician regarding the nature of the injury or illness and certifying that the employee is capable of returning to work and resuming his/her full duty responsibilities. Delta Township also reserves the right to require an employee to submit to an examination by a physician designated by the Township at its discretion. In addition, Delta Township may require the employee to either submit a statement from his/her physician or to be examined by a Township-designated physician in other instances where abuse is suspected. (For example, where an employee's record indicates a pattern of short absences and/or frequent absences before or after holidays and weekends.)

Absenteeism or tardiness that is unexcused or excessive in the judgment of Delta Township is grounds for disciplinary action, up to and including dismissal. The Township shall consider any unauthorized consecutive three(3)-day absence as a voluntary termination of employment.

## **CHAPTER 7**

### **COMPLAINT RESOLUTION PROCEDURE**

Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, should a situation persist that cannot be resolved informally, an employee should pursue the complaint by following the procedure below.

#### **REGULAR, FULL-TIME EMPLOYEES AND REGULAR, PART-TIME EMPLOYEES**

Step 1 - The employee should discuss his/her problem with his/her immediate supervisor within two days of the date of its occurrence. If, however, the problem involves a conflict with the immediate supervisor and s/he does not believe a discussion with such supervisor is appropriate, s/he may proceed directly to Step 2. The employee's immediate supervisor will give a verbal response to the employee.

Step 2 - If the problem is not resolved after discussion with the employee's immediate supervisor, or if the employee feels that such discussion with the supervisor is inappropriate, the employee may request a meeting with his/her Department Director or the next highest person within the Township organization. Such request shall be in writing and filed with the Department Director within five (5) days of the employee's receipt of the response from his/her supervisor. If the employee did not have a discussion with his/her supervisor, his/her written request to the Department Director must be filed within five (5) days of the occurrence of the problem. All such requests must be in writing and contain the date of the occurrence of the problem, the policies or procedures allegedly violated, a written description of the factual circumstances of the complaint, and a statement of the requested remedy. The Department Director will consider the complaint, conduct an investigation into the facts, and give a written response to the employee within ten (10) work days.

Step 3 - If the employee is not satisfied with the Department Director's decision and wishes to pursue the problem or complaint further, s/he may forward the written complaint to the Township Manager. This must be done within five (5) days of his/her receipt of the Department Director's decision. The Township Manager, after a full examination of the facts, will advise the employee of the Manager's decision in writing within ten (10) work days. The decision of the Township Manager shall be final.

If the complaint is about the Manager's conduct, it should be made with the Township Supervisor.

#### **GENERAL**

The procedure should not be construed, however, as preventing, limiting, or delaying Delta Township from taking disciplinary action against any individual, up to and including termination, in situations where the Township deems disciplinary action is appropriate.

## **CHAPTER 8**

### **SUBSTANCE ABUSE AND DRUG/ALCOHOL TESTING POLICY FOR ALL EMPLOYEES WHO ARE NOT COVERED BY THE "COMMERCIAL DRIVER AND SAFETY SENSITIVE POSITION" POLICY**

In continuing to provide for the health and safety of its employees, and to ensure the health and safety of others, the Township has established the following drug/alcohol testing policy.

#### **SECTION 1: GENERAL PROVISIONS**

Copies of this policy shall be distributed to all Township employees. This policy shall become effective on the date the Authorization and Release is signed. In the event of a refusal to sign, documentation by management will make the policy effective.

- A. All employees engaged in inappropriate drug/alcohol use are encouraged to identify themselves to the Township Manager or their immediate supervisor. The Township may refer such employees to a rehabilitation program and allow continued employment where appropriate.
- B. When inappropriate drug or alcohol use is suspected, the basis for the suspicion shall be documented and provided to the Township Manager or designee who is responsible for determining the proper course of action thereafter.
- C. Management will ensure supervisory personnel are given training to recognize and deal with behavior changes typical with drug/alcohol use, and that all employees, including new hires, are made aware of this policy.
- D. This policy does not contemplate the use of drug screening analysis on a random basis.

#### **SECTION 2: DRUG/ALCOHOL TESTING POLICY**

- A. Any employee involved in either a job related accident or job related incident which caused or could have resulted in personal injury, or caused property damage exceeding \$250.00, may be subject to drug/alcohol testing. Any refusal to submit to such testing will subject the employee to immediate discharge.
- B. An employee who is off work for an extended period of thirty (30) days or more due to disability, layoff, job-related injury, or personal leave must, at the request and sole discretion of the Township, submit to a drug/alcohol test as a condition of returning to work from the leave of absence.

- C. Any other testing of employees not described in A or B above for the presence of controlled substances or illegal drugs and alcohol must be based upon reasonable suspicion that an employee has taken, consumed or used such substances. The standard for determining reasonable suspicion will be guided by the following:
- The test must be required by the Township Manager or designee.
  - Reasonable suspicion shall be based upon specific objective facts and reasonable inferences drawn from those facts in light of experience and/or training.
  - Where the reasonable suspicion is based upon personal observation by a supervisor, the objective facts must be articulable and may include a person's appearance or behavior.
  - When an informant has supplied information, the informant's veracity, reliability and basis of knowledge will be relevant considerations. If the informant is a subordinate of a supervisor suspected to be under the influence, s/he may approach any other supervisor or the Township Manager to provide such information without regard to the normal supervisory structure.
- D. The facts forming the basis for the reasonable suspicion shall be disclosed to the employee at the time that demand for testing is made, and the employee shall, at that time, be given the opportunity to explain his/her behavior or actions. In addition, where drug testing is recommended, the employee shall be allowed to make such explanation to the Township Manager or designee in person and also allowed to commit any explanation to written form. Any refusal to take the test, however, will result in immediate discharge.
- E. Within five (5) calendar days after the demand for testing, the facts forming the basis for reasonable suspicion and reasonable inferences drawn from those facts, including the employee's statement, if any, shall be reduced to written form, and a copy shall be given to the employee.
- F. The use of medications prescribed by a physician is not intended to be prohibited by this policy. However, employees using such medications are responsible for the potential effects such drugs may have. Use of medications that may impair physical or mental ability, judgment or work performance must be reported to your supervisor when reporting for work.

### **SECTION 3: RELEASE FROM DUTY**

Any time an employee has been ordered to be tested while on duty, based upon reasonable suspicion, the employee shall not drive any vehicle or perform any job duties or functions, unless so authorized by the Township Manager or designee. The employee will be compensated according to his/her salary/wage schedule for all time spent in the testing process to a maximum of the balance of his/her regular work day.

When possible, such testing will be conducted during the employee's scheduled work hours.

#### **SECTION 4: LABORATORY TEST**

Arrangements will be made to transport the person taking the test to the hospital or independent laboratory to perform the test. A proper chain of custody will be maintained on all tests.

In the case of urine testing, the laboratory used must be certified by the National Institute on Drug Abuse (NIDA). The initial screen test will be of the immunological assay type and will be conducted using the "EMIT" test. No disciplinary action shall be taken based upon the initial screen test. If the initial test is positive, a follow-up test will be immediately conducted on the same sample using the gas chromatography/mass spectrometry method.

Decision levels are set sufficiently high enough to preclude any other possible reason for a drug's presence except illicit use. The following decision levels, reported in nanograms per milliliter, are proposed for deciding the point at which the presence of a drug on an EMIT test would be reported as positive, i.e., the point at which a confirmation test (GC/MS) will be performed on the same sample.

NIDA-5 (screen and GC/MS confirmation)			
<u>Drug Group</u>	<u>Drug or Metabolite Detected</u>	<u>Initial Test Level ng/ml</u>	<u>GC/MS Confirmation</u>
Amphetamine	Amphetamine	1,000 ng/ml	500 ng/ml
	Methamphetamine	1,000 ng/ml	500 ng/ml
Cocaine metabolites	Benzoyllecgonine	300 ng/ml	150 ng/ml
Marijuana metabolites	delta-9-THC-9-COOH	100 ng/ml	15 ng/ml
Opiate metabolites	Codeine	300 ng/ml	300 ng/ml
	Total Morphine	300 ng/ml	300 ng/ml
Phencyclidine	PCP	75 ng/ml	75 ng/ml

If an EMIT test detects the presence of a drug equal to or above the confirmation level of the test result, the test will be considered as failed.

Upon completion of all testing, the employee will be notified of the results of the testing as soon as practical after the Township receives such notification. If the results of confirmation testing are positive, the results will be reported to the Township Manager.

If an employee is requested to undergo a blood/alcohol test and the test reveals a minimum level of .07, the employee will have failed the test.

It is the intent of this program to test for those agents that are most frequently contained in the drugs of abuse. Therefore, the preceding list of drugs included in the table is subject to continual review and possible modification.

## **SECTION 5: REHABILITATION AND LAST CHANCE**

- A. An employee who fails the tests described above for the first time shall, as a condition of continued employment, become involved in a rehabilitation program approved by the Township Manager or designee.
- B. An employee must, if able, continue working while in a rehabilitative program if, in the Township Manager's opinion, s/he is capable of satisfactory performance and if the employee agrees to be tested for drugs/alcohol at the Township's discretion.
- C. An employee who must discontinue work while in a rehabilitative program may take an unpaid medical leave of absence. Medical documentation by a physician approved by the Township as to diagnosis, dates, and duration of treatment and rehabilitation is required.
- D. Upon satisfactory completion of the rehabilitation program by the employee, it will be a condition of re-employment that the employee agrees to be tested for drugs/alcohol at the Township's discretion for a reasonable period not to exceed eighteen (18) months.
- E. The employee must remain in the rehabilitation program for an adequate period of time as determined by the program professionals. The employee must provide to the Township, at time intervals determined by the Township Manager or designee, reports of satisfactory participation in the program. In addition, a report of satisfactory completion of the program at the termination of active treatment is required. These reports should come from the director of the program or other appropriate persons affiliated with the program. The failure to complete the program will result in immediate discharge.
- F. The employee acknowledges that enrollment in a rehabilitation program is for the purpose of treatment and counseling against the illegal use or possession of controlled substances or inappropriate alcohol use. Any illegal use, sale or possession of illegal drugs or inappropriate alcohol use following treatment or counseling will result in immediate dismissal. All employees must acknowledge that the rehabilitation program is a "last chance" program.

## **SECTION 6: EMPLOYEES DETERMINED TO BE IN NEED OF REHABILITATIVE ASSISTANCE**

- A. An active employee on medical leave who drops out of an approved rehabilitation program against the recommendation of the program director or other appropriate persons affiliated with the program will be immediately terminated and will be ineligible for re-employment.
- B. An employee who (1) refuses to become involved in an approved rehabilitation program, or (2) agrees to become involved in an approved rehabilitation program but fails to start the program within fifteen (15) days, or (3) does not agree to submit to periodic re-examination or testing at the discretion of the Township will be terminated.
- C. An employee who has successfully completed a rehabilitation program, or otherwise remains employed or becomes re-employed after having tested positive for the presence of drugs/alcohol, will be terminated if the employee is subsequently found to be under the influence of drugs/alcohol or suffering from the side effects of drugs or inappropriate alcohol use, or if s/he tests positive for the presence of drugs or alcohol.

**NOTICE: Any employee who possesses, sells, attempts to sell, delivers, or in any other way distributes illicit narcotics or drugs on Township property or during work hours will be discharged. Law enforcement officials will be informed of such conduct.**